The Pittsburgh Gazette.

SATURDAY, March 16, 1799. No. 653

PITTSBURGH: PRINTED BY JOHN SCULL, IN FRONT STREET, NEXT DOOR TO THE CORNER OF MARKET-STREET.

having procured the Domiti- Districts No. 1, 2, and 3, takes informing those Gentlemen who Districts, that he will at- in the second District, for the ing the time to those who may their custom.

JAMES BUCHANAN.

March 8, 1798

having laid out a TOWN on leading from Pittsburgh to Franklin, and 40 mile trees from the former Lots for sale at Twenty Dollars each— to give an equal chance to purchasers, determined by Lottery, which will be as soon as half the Lots are sold, will be in May next. Tickets entitle the bearer to such lots as may their numbers, may be had of William Fleming and John Scull, in Pitts- of the subscriber near Slippery Rock, at of said Town may be seen— demanded on receiving a ticket, when the deed is made, which after drawing as before.

JAMES BUCHANAN

March, 1799

TO BE SOLD,

A VALUABLE Plantation containing 283 lying within half a mile of the Mouth within two miles of Devores ferry, Washington county. The soil is good rich grain of any kind. There is on the a good dwelling house, barn and stables, all the best, and several never failing springs to the same. A young apple orchard coming to bear, also a good pasture; there are upwards of 100 acres of which about 20 are meadow. The sale part will be sold to accommodate the A clear and indisputable title will be given. For further particulars apply to the sub- on the premises

STEPHEN WARNER.

March 5, 1799.

Robert J. Clow,

LATELY from New York, informs the Public that he intends carrying on the Hatting business in Pittsburgh.

March 5, 1799.

Wanted one or two Apprentices to the Hatting business, from 14 to 18 years of age.

To be Let for two Years,

A TWO Story Log House, having four commodious Rooms with Fire Places, a Cellar, a Stable and Horse Shade, a convenient garden, four acres of excellent Meadow and a number of Peach trees, five miles from Pittsburgh on the road to Redstone, known by the name of George Tavern, and lately occupied by Captain William Fulton as such. For further particulars apply to the Subscriber near the premises.

SARAH KATZ.

Allegheny county, St. Clair township,

March 5, 1798.

TO BE LET,

And possession given the 6th of April next.

THAT well known Tavern the INDIAN QUEEN, which was long occupied by the subscriber the present is a good double stable, and a large market room in the yard. Terms may be known by applying to Joseph Park, next door to the premises, or to the subscriber in Pitt township

A. WATSON.

March 5, 1799.

Margaret Stefens,

Milliner & Mantua-Maker,

RESPECTFULLY informs the Ladies of Pittsburgh and its vicinity, that she lives in Second Street two doors above Steele Sample's, in Mrs. Reed's house, where she will be happy to receive any commands with which they may please to honour her in the above line.—She will also be happy to execute Plain Sewing, the favour of which work she solicits from Ladies and Gentlemen, and begs leave to inform them that she intends opening a School, in order to teach Plain Sewing, Marking and Open-Work, provided she can procure Scholars.

March 9, 1798.

NOTICE.

ON the 12th day of December last, was left with the subscriber, in pledge, a Silver WATCH, which was to have been redeemed in eight or ten days, unless said Watch is redeemed by the 12th March, I am determined to sell it.

ADAM JOHNSTON, Innkeeper.

Fort Pitt, Feb. 4, 1799.

REPORT OF THE COMMITTEE

To whom were referred, on the 14th instant, certain MEMORIALS & PETITIONS *complaining of the Act entitled "AN ACT CONCERNING ALIENS" and of other late acts of the* CONGRESS OF THE UNITED STATES.

The Committee to whom were referred the Memorials of sundry inhabitants of the counties of Suffolk and Queen, in the state of New-York; of Essex county in New Jersey; of the counties of Philadelphia, York, Northampton, Mifflin, Dauphin, Washington, and Cumberland, in Pennsylvania; and of the county of Amelia, in Virginia; complaining of the act, entitled "an act concerning aliens, and other late acts of Congress, submit the following

REPORT—

IT is the profeſſed object of theſe petitions to ſolicit a repeal of two acts paſſed during the laſt ſeſſion of Congreſs, the one "an act concerning aliens," the other "an act, in addition to "an act for the puniſhment of certain crimes "againſt the United States," on the ground of their being unconſtitutional, oppreſſive and impolitic.

The Committee cannot, however, forbear to notice, that the principal meaſures hitherto adopted for repelling the aggreſſions and inſults of France have not eſcaped animadverſion.

Complaints are particularly directed againſt the laws providing a navy——or augmenting the army——authorizing a proviſional army and corps of vountreers——for laying a duty on ſtamped vellum, parchment, and paper—aſſeſſing and collecting direct taxes——and authorizing loans for the public ſervice.

With theſe topics of complaint, in ſome of the petitions, are intermingled invectives againſt the policy of the government from an early period, and inſinuations derogatory to the character of the Legiſlature and of the Adminiſtration.

While the Committee regret that the public councils ſhould ever be invited to liſten to other than expreſſions of reſpect, they truſt that they have impartially conſidered the queſtions referred to their examination, and formed their opinions on a juſt appreciation of their merits, with a due regard to the authority of government, and the diſpaſſionate judgment of the American people.

The act concerning aliens, and the act in addition to the act for the puniſhment of certain crimes againſt the United States, commonly called the ſedition act, contains proviſions of a two fold nature; firſt againſt ſedition acts, and, ſecond, againſt libellous and ſeditious writings. The firſt have never been complained of, nor has any objection been made to its validity: The objection applies ſolely to the ſecond; and on the ſuppoſed [illegible] to puniſh falſe, ſcandalous and malicious writings againſt the government, with intent to ſtir up ſedition, is a law neceſſary, for carrying into effect the power veſted by the Conſtitution in the government of the United States, and in the departments and officers thereof, and conſequently ſuch a law as Congreſs may paſs: becauſe the direct tendency of ſuch writings is to obſtruct the acts of the government by exciting oppoſition to them, to endanger its exiſtence by rendering it odious and contemptible in the eyes of the people, and to produce ſeditious combinations againſt the laws, the power to puniſh which has never been queſtioned: becauſe it would be manifeſtly abſurd to ſuppoſe that a government might puniſh ſedition, and yet be void of power to prevent it by puniſhing thoſe acts which plainly and neceſſarily lead to it: And becauſe under the general power to make all laws proper and neceſſary for carrying into effect the powers veſted by the Conſtitution in the government of the United States, Congreſs has paſſed many laws for which no expreſs proviſion can be found in the Conſtitution, and the conſtitutionality of which has never been queſtioned; ſuch as the firſt ſection of the act now under conſideration, for puniſhing ſeditious combinations; the act paſſed during the preſent ſeſſion, for puniſhing perſons who, without authority from the government, ſhall carry on any correſpondence relative to foreign affairs with any foreign government; the act for the puniſhment of certain crimes againſt the United States, which defines and puniſhes miſpriſion of treaſon; the 10th and 11th ſections, which declare the puniſhment of acceſſaries to piracy, and of perſons who ſhall confederate to become pirates themſelves, or to induce others to become ſo,—the 15th ſection which inflicts a penalty on thoſe who ſteal or falſify the record of any court of the United States; the 18th and 21ſt ſections, which provide for the puniſhment of perſons committing perjury in any court of the United States, or attempting to bribe any of their judges; the 22d ſection, which puniſhes thoſe who obſtruct or reſiſt the proceſs of any court of the United States, and the 23d againſt relieving offenders who have been convicted of any capital offence before thoſe courts; provitions, none of which are expreſsly authorized, but which have been conſidered as conſtitutional, becauſe they are neceſſary and proper for carrying into effect certain powers expreſsly given to Congreſs.

It is objected to this act, in the ſecond place, that it is expreſsly contrary to that part of the Conſtitution, which declares, that "Congreſs ſhall make no law reſpecting an eſtabliſhment of religion, or prohibiting the free exerciſe thereof or abridging the liberty of the preſs." The act in queſtion is ſaid to be an abridgment of the liberty of the preſs," and therefore unconſtitutional.

To this it is anſwered, in the firſt place, that the liberty of the preſs conſiſts not in a licence for every man to publiſh what he pleaſes, without being liable to puniſhment if he ſhould abuſe this licence to the injury of others, but in a permiſſion to puniſh without previous reſtraint whatever he may think proper, being anſwerable to the public and individuals, for any abuſe of this permiſſion to their prejudice; in the ſame manner as the liberty of ſpeech does not authorize a man to ſpeak malicious ſlanders againſt his neighbour, nor the liberty of action juſtify a man in going by violence into another man's houſe, or in aſſaulting any perſon whom he may meet in the ſtreets. In the ſeveral ſtates the liberty of the preſs has always been underſtood in this manner, and no other; and the conſtitution of every ſtate which has been framed and adopted ſince the declaration of independence, aſſerts "the liberty of the preſs," while in ſeveral, if not all, their laws provide for the puniſhment of libellous publications, which would be a manifeſt abſurdity and contradiction, if the liberty of the preſs meant to publiſh any and every thing, without being amenable to the laws for the abuſe of this licence. According to this juſt, legal, and univerſally admitted definition of "the liberty of the preſs," a law to reſtrain its licentiouſneſs in publiſhing falſe, ſcandalous, and malicious libels againſt the government, cannot be conſidered as 'an abridgment' of its 'liberty.'

It is anſwered, in the ſecond place, that the liberty of the preſs did never extend, according to the laws of any ſtate, or of the United States or of England, from whence our laws are derived, to the publication of falſe, ſcandalous and malicious writings againſt the government, written or publiſhed with intent to do miſchief, ſuch publications being unlawful, and puniſhable in every ſtate; from whence it follows, undeniably that a law, to puniſh ſeditious and malicious publications is not an abridgment of the liberty of the preſs, for it would be a manifeſt abſurdity to ſay, that a man's liberty was abridged by puniſhing him for doing that which he never had liberty to do.

It is anſwered thirdly, that the act in queſtion cannot be unconſtitutional, becauſe it makes nothing penal that was not penal before, and gives no new powers to the courts, but is merely declaratory of the common law, and uſeful for rendering that law more generally known, and more eaſily underſtood. This cannot be denied, if it be admitted, as it muſt be, that falſe, ſcandalous and malicious libels againſt the government of the country, publiſhed [illegible] the Conſtitution, the judicial power of the United States [illegible] under the conſtitution [illegible] puniſhable at common law by the courts of the United States. The act, indeed, is ſo far from having extended the law, and the power of the court, that it has abridged both, and has enlarged inſtead of abridging the liberty of the preſs; for a common libel, againſt the government might be puniſhed with fine and impriſonment at the diſcretion of the court, whereas the act limits the fine to two thouſand dollars, and the impriſonment to two years; and it alſo allows the party accuſed to give the truth in evidence for his juſtification, which by the common law was expreſsly forbidden.

And laſtly, it is anſwered, that had the conſtitution intended to prohibit Congreſs from legislating at all on the ſubject of the preſs, which is the conſtruction whereon the objections to this law are founded, it would have uſed the ſame expreſſions as in that part of the clauſe which relates to religion, and religious teſts; whereas the words are wholly different; Congreſs, for the conſtitution, (amendment 3d) "ſhall make no law reſpecting an eſtabliſhment of religion, or prohibiting the free exerciſe thereof, or abridging the freedom of ſpeech, or the preſs." Here it is manifeſt that the conſtitution intended to prohibit Congreſs from legiſlating at all on the ſubject of religious eſtabliſhments, and the prohibition is made in the moſt expreſs terms. Had the ſame intention prevailed reſpecting the preſs, the ſame expreſſions would have been uſed, and Congreſs would have been "prohibited" from paſſing any law reſpecting the preſs." They are however, "prohibited" from legiſlating at all on the ſubject, but merely from abridging the liberty of the preſs. It is evident they may legiſlate reſpecting the preſs, may paſs laws for regulation, and to puniſh thoſe who pervert it into an engine of miſchief, provided thoſe laws do not abridge its liberty. Its liberty, according to the well known and univerſally admitted definition, conſiſts in permiſſion to publiſh, without previous reſtraint upon the preſs, but ſubject to puniſhment afterwards for improper publications. A law, therefore, to impoſe a previous reſtraint upon the preſs, and not one to inflict puniſhment on wicked and malicious publications, would be a law to abridge the liberty of the preſs, and as ſuch unconſtitutional.

The foregoing reaſoning is ſubmitted as vindicating the validity of the laws in queſtion.

Although the committee believe that each of the meaſures adopted by Congreſs during the preſent ſeſſion, is ſuſceptible of an analytical juſtification on the principles of the conſtitution, and ſound policy, yet they prefer to reſt their vindication on the true ground of conſidering them as parts of a general ſyſtem of defence, adapted to a ſtate of extraordinary difficulty and danger.